

Retailers Prepare for New California Mattress Flammability Law

Technical Bulletin 603 Open-Flame Resistance Standard Effective Jan. 1, 2005

Retailers of mattresses, mattress/box springs sets and futons should be aware that California's new flammability standard for these products -- called Technical Bulletin 603 (TB 603) -- takes effect Jan. 1, 2005.

The law requires that all mattresses, mattress/box springs sets and futons manufactured on or after Jan. 1, 2005, for sale to California consumers be certified by the manufacturer to comply with TB 603. The law also requires such products to meet certain new labeling requirements.

TB 603-compliant products offer significantly increased fire safety for consumers. Mattresses, mattress/box springs sets and futons that meet the standard must resist burning intensely after being exposed to an open flame. This protection is in addition to the federal standard requiring mattresses to resist smoldering cigarettes. The federal cigarette-smolder standard remains in effect.

Although the new regulations kick in Jan. 1, 2005, products that meet the new standard began reaching stores in mid-2004. Manufacturers are marketing the enhanced fire safety of these open-flame-resistant product lines.

Enforcement of Technical Bulletin 603

The California Department of Consumer Affairs' Bureau of Home Furnishings and Thermal Insulation (BHFTI) will be enforcing the new Technical Bulletin 603 law, and bedding retailers should be aware of their responsibilities under this law.

"For retailers, the bottom line is to make sure products covered by the new law are certified by a reputable manufacturer to meet Technical Bulletin 603," said Brian Stiger, chief of BHFTI. "If it was manufactured in 2005, it has to be TB 603-compliant. These products must also have a law label that includes the date of manufacture and a TB 603 compliance statement."

Starting in 2005, it will be against the law for retailers to sell products built in 2005 that don't meet TB 603.

Beginning in 2005, the bureau will inspect retail stores to verify compliance with the Technical Bulletin 603 regulations. Inspectors will check for proper labeling of products covered by the law. In some cases, products may be tested to assess whether they meet TB 603. Business records such as invoices, which must be available for inspection, may be consulted to verify merchandise was manufactured prior to Jan. 1, 2005.

Violations could result in the retailer being cited, fined, ordered to withhold products from sale, and having its license revoked. (All bedding retailers must be licensed by the state.)

Retailers Can Continue to Sell Prior-Year Products

After the new law takes effect, retailers can continue to still sell mattresses, mattress/box springs sets and futons manufactured prior to Jan. 1, 2005, as long the products meet the flammability and labeling requirements in effect when they were manufactured.

Since retailers can sell both types of products – older products that only protect against cigarette-caused fires, and new products that also meet TB 603 and protect against open flames -- they should be careful not to mistakenly advertise or incorrectly label older products. Law labels must be visible to consumers when they shop.

Older stock that is not certified as TB 603-compliant cannot be falsely labeled, advertised or represented as meeting TB 603. Only products that are certified by the manufacturer to meet Technical Bulletin 603 can legally be advertised or described as "meeting TB 603" or "meets California's new mattress fire-safety standard," etc.

It is illegal to affix a law label with the TB 603 compliance statement to products that do not meet the TB 603 fire-safety standard.

"Consumers look to sales people for accurate information about product features," said Stiger. "In this case, consumers may be asking about whether a product is designed to provide better fire safety for their families. It's important to respond with accurate advice."

All products covered by the new regulations must meet the open-flame-resistance standard and be properly labeled, regardless of state or country of origin.

Remanufactured Products Must Also Comply

The new law also applies to mattresses, mattress/box springs sets and futons that are rebuilt or remanufactured in 2005 or thereafter. Any used product that is renovated, re-covered, rebuilt or refurbished after Jan. 1, 2005, by replacing all or part of the ticking or internal components (including re-covering of a used mattress) and then sold to a new owner, must comply with Technical Bulletin 603. Such products are considered remanufactured.

"Companies that remanufacture these products have the same responsibility as manufacturers of new products. They must certify the product meets TB 603 and provides the open-flame protection consumers are entitled to under California law," said Stiger.

Used products that have not been renovated, re-covered, rebuilt or refurbished must meet the California flammability and labeling requirements in effect when they were originally manufactured.

As before, both used and rebuilt products must be sanitized, labeled and sold according to the regulations that apply to secondhand products.

For More Information

For more information on California's new flammability regulations and how they affect bedding retailers, look for the TB 603 retailer advisory on the Bureau of Home Furnishings and Thermal Insulation Web site at www.bhfti.ca.gov. Retailers can also e-mail questions to the bureau at contactbhfti@dca.ca.gov or call the bureau at (916) 574-2041.